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FLOOR DEBATE

March 11, 2002      LB 384

SENATOR CHAMBERS: Senator Quandahl, would you turn to page 5 of the amendment that was adopted, and I'm looking in line 27,...

SENATOR CUDABACK: Senator Quandahl, respond?

SENATOR CHAMBERS: ...the words "any interest in". What kind of interest is contemplated there? Above they mention mortgagees, bondholders, trustees for bondholders, leaseholders or other parties or persons claiming any interest in. What other types of interests might be contemplated, or is this just more or less a catchall phrase?

SENATOR QUANDAH: I believe, again, this is the language from the existing statute that's already in place and, when I read that, I believe that is just a catchall phrase to make sure that when the court of condemnation meets that every...all the stakeholders, anybody that does have an interest in the condemnation, have an ability to be heard.

SENATOR CHAMBERS: Okay. And then would you turn to page 9. Starting in line 11, the following language appears: "The appeal in the district court shall be tried and determined upon the pleadings, proceedings, and evidence embraced in the transcript". Is that another way of saying that the appeal will be on the record?

SENATOR QUANDAH: Yeah, I believe, yes.

SENATOR CHAMBERS: Okay. I just want to be sure that it doesn't mean something different, because if it did I'd like to know what that was. Now, this matter, based on Section 13, will be appealed to the Court of Appeals, the appeal from the district court, and since I don't see anything else besides that would the decision of the Court of Appeals be final? Is that the end of the appeal process?

SENATOR QUANDAH: I think it could be. It depends on whether or not there would be an appeal beyond that point, but one thing I guess I should explain is, is that after the district court appeal level, after that ruling is made, at that point the issue